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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,508	10/17/2001	Jorgen Wiman	024444-954	9602

21839 7590 05/24/2004

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POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

WALSH, BRIAN D

ART UNIT PAPER NUMBER

3722

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/913,508

Applicant(s)

WIMAN, JORGEN

Examiner

Brian D. Walsh

Art Unit

3722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 15-17.

Claim(s) objected to: 9, 10 and 14.

Claim(s) rejected: 8.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____


A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Continuation of 2. NOTE: The Examiner has considered Applicant's arguments but maintains the rejection to claim 8. Obviously the proposed amendment to change "curved" edge to "corner" edge does little to overcome the rejection. Applicant again argues the structure of Niebaur in rejecting claim 8. The Examiner has reviewed Applicant's remarks but determined that the discrepancies raised by Applicant amount to little more than disagreement over the terminology used. The elements that the Examiner relied upon are most clearly shown in figure 5, however, this is only a partial, cross-sectional view of the insert shown in figure 2. It appears Applicant is asserting that the sloping floor (32) terminates with the viewable area in figure 5. Clearly, in figure 2, this is not the case. Even if it were shown that floor (32) didn't slope gradually inward toward a central floor portion (as the Examiner maintains), Niebaur still discloses a range of permissible angles for E and F that would read on claim 8 if floor (32) were held alone. Applicant asserts that by changing claim 8 so that the edge-reinforcing land extends from and along the radial edge, the rejection is again overcome. The Examiner has considered this argument but notes in figures 4 - 6, Niebauer clearly shows a land (which could be considered and "edge-reinforcing land") extending along and from the radial edge. Since Niebauer discloses numerous lands in the insert Applicant has apparently chosen to direct attention to a land that does not extend from the radial edge. The Examiner further notes that the language "from and along," when referring the relationship of the land with radial edge, is extremely broad. There is no justification for the assumption that the land is contiguous with the radial edge and, even if it were, the Examiner maintains that this configuration is already shown. Furthermore, the Examiner notes that although Applicant claims that "edge reinforcing land" is known in the art, it is not so specific as to impart any structural limitations into the claim.